

server terminals and each measuring a respective load in a route from the route load measuring unit to one client terminal having issued a request for service out of said client terminals; and

a selecting unit which selects one server terminal out of said server terminals as a destination of the request for service from said one client terminal based on the load measured by said route load measuring units,

wherein said route load measuring units each measures, as the load, an effective bandwidth of the route, the effective bandwidth estimated based on a plurality of parameters.

2. (TWICE AMENDED) The relaying apparatus for use in a network system according to Claim 1, further comprising a storing unit which stores the load measured at a pre-specified time interval by each of said route load measuring units, and wherein

when a request for service is received from said one client terminal, said selecting unit selects said one server terminal out of said server terminals as a destination of the request for service from said one client terminal based on the load stored in the storing unit.

3. (ONCE AMENDED) The relaying apparatus for use in a network system according to Claim 2, wherein each of said route load measuring units monitors operating states of respective server terminal and

when a request for service is received from said one client terminal, said selecting unit selects one server terminal out of said server terminals as a destination of the request for service from said one client terminal based on the load and the operating states monitored by said load measuring units.

4. (ONCE AMENDED) A relaying apparatus for use in a network system, the network system including a plurality of client terminals and server terminals that are divided into several groups each having at least two of the server terminals and that provide services to those client terminals via a network, the relaying apparatus comprising:

a plurality of route load measuring units each provided with respect to each of the groups and each measuring a respective load in a route from the route measuring unit to one client terminal having issued a request for service out of said client terminals; and

a selecting unit which selects one route load measuring unit out of said route load measuring units as a primary destination of the request for service from said one client terminal based on the load measured by said route load measuring units, wherein

said one route load measuring unit selects one server terminal out of the server terminals in the group as a secondary destination of the request for service from said one client terminal, and

said route load measuring units each measures, as the load, an effective bandwidth of the route, the effective bandwidth estimated based on a plurality of parameters.

5. (ONCE AMENDED) The relaying apparatus for use in a network system according to Claim 4, wherein each said route load measuring units monitors operating states of the respective server terminals in the group, and said one route load measuring unit selects one server terminal out of the server terminals in the group based on the operating states when selecting the secondary destination.

6. (ONCE AMENDED) A relaying apparatus for use in a network system, the network system including a plurality of client terminals and server terminals that are divided into several groups each having at least two of the server terminals and that provide services to those client terminals via a network, the relaying apparatus comprising:

a plurality of route load measuring units each provided with respect to each of the groups, each measuring a respective load in a route from the route measuring unit to one client terminal having issued a request for service out of said client terminals and monitoring operating states of said server terminals in each group; and

a selecting unit which selects one route load measuring units out of said route load measuring units as a primary destination of the request for service from said one client terminal based on the load measured and the operating states monitored by said route load measuring units, wherein

said one route load measuring unit selects based on the operating states one server terminal out of the several server terminals in the group as a secondary destination of the request for service from said one client terminal and

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BT said route load measuring units each measures, as the the load, an effective bandwidth of the route, the effective bandwidth estimated based on a plurality of parameters.

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BT 7. (NEW) A relaying apparatus for use in a network system, which network system is formed with a plurality of client terminals and server terminals providing services to the client terminals via a network, comprising:

a plurality of path load measuring and operating state monitoring devices, arranged to measure effective bandwidths of path loads from a client terminal requesting service to server terminals and to monitor operating states of server terminals; and

a DNS-responding device to compare effective bandwidths of measurements of path loads from the plurality of path load measuring and operating state monitoring devices to the client terminal and to select a server terminal having a largest effective bandwidth and an active operating state to provide service to the client terminal.

8. (NEW) A relaying apparatus for use in a network system, which network system is formed with a plurality of client terminals and server terminals providing services to the client terminals via a network, comprising:

a plurality of path load measuring and operating state monitoring devices, arranged to measure, as loads in paths from a client terminal requesting service to server terminals, effective bandwidths of the paths and to monitor operating states of server terminals; and

a DNS-responding device to compare the effective bandwidths measured by the path load measuring and operating state monitoring devices and to select a server terminal having a largest effective bandwidth and an active operating state to provide service to the client terminal.

REMARKS

INTRODUCTION:

Claims 1-3 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,128,657 to Okanoya et al.

Claims 4-6 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,327,622 to Jindal et al.